

FREDERICK COUNTY PLANNING COMMISSION

APRIL 22, 2009

MINUTES

COMMISSION MEMBERS PRESENT:

Joseph Brown
Richard Floyd
Catherine Forrence, Vice Chair

Robert White, Secretary
John McClurkin
Audrey Wolfe, Chair

COMMISSION MEMBERS ABSENT:

Kai Hagen, BoCC Liaison

PLANNING STAFF PRESENT:

Eric Soter, Director
Mark Depo, Deputy Director
Stephen O'Philips, Planner

Larry Smith, Zoning Administrator
Shawna Lemonds, Planner
Jim Gugel, Chief Comp. Planner

9:30 A.M.

MORNING SESSION

COMMISSIONER WOLFE BROUGHT THE MEETING TO ORDER AT 9:30 AM.

- 1) **MINUTES** **APPROVAL**
None
- 2) **PLANNING COMMISSION COMMENTS** **INFORMATIONAL**
None
- 3) **AGENCY COMMENTS/AGENDA BRIEFING** **INFORMATIONAL**
None
- 4) **COMBINED PRELIMINARY/FINAL PLATS** **APPROVAL**

A) [Urbana ORI/MXD, Lot # 501 \(Banner Life\)](#) - Request to combine previously-approved five lots into one lot situated on 9.05 acres. Located on the south-side of MD 80 (Relocated) between Urbana Parkway and Bennett Creek Avenue. Zoned ORI/MXD in the Urbana Planning Region. [Tax Map 96/Parcel 48](#). File # S-1069. A/P # - 9305 (FRO and APFO have already been approved for this site) (Stephen O'Philips)

ALL PARTIES AND STAFF WISHING TO GIVE TESTIMONY IN THIS MATTER WERE SWORN IN BY CHAIR WOLFE.

STAFF PRESENTATION / RECOMMENDATION:

Planner O'Philips reviewed the sequence of recent events affecting this project including site plans and LOU's submitted, noting this project was designated as a Fast Track Project by Economic Development, and acknowledging other department approvals/comments.

Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the following condition of approval has been met. Staff recommended adding the following condition to a motion for approval:

1. Address all agency comments as the plan proceeds through the development process.

DISCUSSION:

Briefly discussed was the language clarification requested by the Division of Utilities & Solid Waste management regarding the provision of utilities for this site.

APPLICANT:

- Rick Boyd - TeleCommunities

PUBLIC COMMENT:

- None

DECISION:

MOTION: White / 2nd by Brown

Commissioner White made a motion to recommend approval of Text Amendment ZT-09-03 to the Board of County Commissioners (BOCC). The motion was 2nd by Commissioner Brown.

6-0-1-0

Yea - 6 (Brown, Floyd, Forrence, McClurkin, White, Wolfe), Nay - 0, Absent - 1(Hagen), Abstain - 0

Motioned Carried

5) Ag/RC ZONING DISTRICTS

INFORMATIONAL

- A) [Agriculture and Resource Conservation Zoning Districts - Use Tables and Definitions](#)
(Eric Soter, Larry Smith and Shawna Lemonds)

STAFF PRESENTATION / RECOMMENDATION / DISCUSSION:

Director Soter noted that today's meeting would review information in preparation for the Public Hearing. Planner Lemonds gave a brief background on the project and reviewed the major components. FcPc asked questions throughout Planner Lemonds presentation gaining clarification on what was allowed/not, what had been removed or relocated, and/or where terminology had been changed or elaborated. Briefly discussed were wineries & tasting rooms; duplex dwelling vs. 2-family dwelling; Guest farms; sawmill; special exception; noise ordinance; boarding stable; restaurant vs. county inn; and boarding stable with kennel attached.

Planner Lemonds noted changes to Special Exception criteria, where they had been made, and the reasons for changes. Floating institutional and open space recreation zones were discussed, noting uses permitted. The creation of the euclidean institutional and open space recreation zoning districts and their intended uses were explained. Items also discussed were campground regulations and standards; collector roads standards (template details: shoulder, ditch, etc); pro-shop & restaurant as accessory use to golf course.

Planner Lemonds noted items removed from the Ag/RC text amendment that were moving forward as separate text amendments – Wind/Solar Energy & Place of Worship.

PUBLIC COMMENT:

- Sam Castelman – Co director, ThorpeWood (At-Risk Youths retreat center) - Thurmont MD

There was further discussion on special exception criteria and Board of Appeals.

***** 10:50 BREAK - 11:00 RECONVENED *****

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

Workshop #29: Continuation - Draft Plan. (Jim Gugel)**i) Water Recharge Area** Rod Winebrenner & Robert Cramer - DUSWM

Mr. Winebrenner and Ms. Creighton gave a brief PowerPoint presentation introducing the Recharge Area concept and giving background information on the topic. The concept was discussed and included topics such as: type of testing required; recharge easements; uniformity and objectivity of area study; funds for studies; regulations and/or standards; protection of recharge area; impervious surface – restrictions; greenbelt buffer; bring back the aquifer; formula used to calculate area/water needed. There was also a discussion of the recharge easement for Woodsbourne Manor in Jefferson.

ii) Water Resources Element

Chief Planner Gugel gave some comments and direction to FcPc, noting that the Water Resource Element was now being broken out as a standalone chapter and this was a summary.

Discussion to develop understanding was obtained on the following: net available capacity; equivalent dwelling units (EDU); where the numbers were derived/obtained; how used/interpreted; 20-year plan – gross basis; development staging.

Chief Planner Gugel identified how the different types of growth areas were differentiated on the map. He also noted that the final version will have two more tables, focusing only on the residential development potential noting that the commercial and employment is more difficult to estimate demand.

*** 12:22 BREAK - 1:07 RECONVENED ***

COMMISSIONER BROWN DID NOT RETURN AFTER LUNCH BREAK

Water Resources Element (continued)

Chief Planner Gugel reviewed the Goals, Policies, Action Items followed by the text of the chapter. He reminded the FcPc that today was not the last time to comment on the chapter draft.

A number of comments and grammatical corrections were made as well as some wording changes and phrasing modification. Separating and combining various Goals, Policies and/or Action Items were discussed. Topics included: Walkersville's karst geology; wellhead protection; waste water being treated for other uses (viable for farming), pharmaceutical collections so they don't end up in the landfills; drinking water.

MOTION: Commissioner Forrence made a motion to reword an Action Item and make it a Policy, changing the word/phase "*consider ~~reduction~~ adjustments in growth areas based upon the availability and adequacy of drinking water and system infrastructure*". Motion was seconded by Commission Floyd. TS-04:08:00

5-0-0-0

Yea - 5 (Floyd, Forrence, McClurkin, White, Wolfe), Nay - 0, Absent - 2 (Brown, Hagen), Abstain - 0

Motioned Carried

Additional wording changes were recommended throughout the review of Goals, Policies, Action Items and text to make them more proactive. Areas discussed included adding "exploring idea of impoundments to water sources"; explore Ag easement or water easement not both; identify program/funding for dredging Lake Langanore; requiring the Health Department recognize and

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

support use of new technology (including sand mounds); impervious cover factor - refining the mapping & modeling to establish a base line to facilitate planning; maintaining inspections to control pollution (AI #11); storm water regulation changing to reduce runoff and increase cooling effect (AI #13, #15 & #2); Combine AI #1 & 21 Commissioner Floyd expressed the importance of defining watershed area.

iii) Land Use Plan Map Review

Chief Planner Gugel noted the primary focus of today was to review miscellaneous map revisions. He noted changes made using maps provided to FcPc. Items not revised were noted and discussed. The FcPc asked for further clarification as the list/map were reviewed, discussing various aspects on the provided map and obtaining more details where needed of the changes proposed to clarify adjustments. Specific business and parcel and their use and zoning were discussed as they went through the map and list of revisions. Brunswick Region, Frederick Region, Middletown Region, New Market Region were discussed.

Commissioner Forrence made comments regarding tying in transportation to land use. Director Soter noted this is still county level and is setting the foundation. Commissioners White commented on the progress towards use and acceptance of mass transit and the role Planning has had and what part it should have in the CwCP.

- - - -

***** 3:04 BREAK - 3:07 RECONVENED *****

iv) Plan Document Review

Chief Planner Gugel asked for comments and edits to six chapters provided to the FcPc last week.

Chapter 1 Ok'd

Chapter 2 Ok'd

Chapter 3 Natural Resources – Chief Planner Gugel noted changes – FcPc - Ok'd.

Chapter 4 Historic Preservation – Chief Planner Gugel noted changes – FcPc - Ok'd.

Director Soter indicated the action items would be put together into a matrix as one list and would try to email to FcPc.

Chapter 5 Ag Ok'd

Chapter 8 Economic

- - - -

Chief Planner Gugel highlighted next week's meeting agenda. Upcoming schedule of meetings and availability of maps online were discussed.

***** ADJOURNED MEETING AT 3:28PM *****

Respectfully Submitted,

Audrey Wolfe, Chair

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.